

DRAFT NOTICE OF EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
| R12-4-802 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. §§ 17-231 and 41-1005(A)(1).

Implementing statute: A.R.S. § 17-231(B)(2)(3) and (7).
- 3. The effective date for the rules:**

Upon publication in the *Arizona Administrative Register*.
- 4. A list of all previous notices appearing in the Register addressing the exempt rules:**

Not applicable
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

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- 6. An explanation of the rules, including the agency's reasons for initiating the rulemaking:**

The Arizona Game and Fish Commission will be amending R12-4-802 to add restrictions, terms and conditions related to Commission-owned wildlife areas. The Commission is amending restrictions, terms and conditions for the Three Bar Wildlife Area (located in Unit 22). Due to growing deer populations in the fenced enclosure inside the loop formed by Tonto National Forest Road 647, the Department would like to open the enclosure to hunting by way of Commission Order. This will allow

the Department to utilize hunting as a management tool when deemed appropriate by Commission Order. Currently, the enclosure is closed to hunting. Additionally, the Commission is amending R12-4-802 to more clearly and accurately describe the area within the fenced enclosure as being a single contiguous area. Lastly, the Commission is amending R12-4-802 to identify the fenced enclosure by its common and popular name, the “Walnut Canyon Enclosure.”

7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable

8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

9. **The summary of the economic, small business, and consumer impact, if applicable:**

The Department does not anticipate that the rulemaking will create a substantial economic impact.

10. **A description of the changes between the proposed rule, including supplemental notices, and final rule (if applicable):**

Not applicable

11. **A summary of the comments made regarding the rule and the agency response to them, if applicable:**

The Department has received no comment on the rulemaking.

12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

13. **Any material incorporated by reference and its location in the text:**

Not applicable

14. **Whether the rule was previously made as an emergency rule and, if so, whether the text was changed between making as an emergency and the making of the exempt rules:**

Not applicable

15. **The full text of the rules follows:**

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

Sections

R12-4-802. Wildlife Area Restrictions

ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

R12-4-802. Wildlife Area Restrictions

No person shall violate the following restrictions on Wildlife Areas:

1. No change
2. No change
3. No change
4. No change
5. No Change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
18. No Change
19. No change
20. No change
21. No Change
22. No change
23. No change
24. No change
25. No change
26. No change
27. Three Bar Wildlife Area (located in Unit 22):

- a. ~~Portions~~ The area within the fenced enclosure inside the loop formed by Tonto National Forest Road 647, also known as the Walnut Canyon Enclosure, is closed to public entry except as provided in subsection (b) below.
- b. Open to hunting in season, except ~~portions~~ the area within the fenced enclosure inside the loop formed by Tonto National Forest Road 647, also known as the Walnut Canyon Enclosure, is closed to hunting, unless otherwise provided by Commission Order.
28. No change
29. No Change
30. No change
31. No change
32. No change
33. No change